



## STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN entifier: Garyey Letts Tam, Wang

Applicant, Patentee, or Identifier: Garvey, Letts, Tam, Wang
Application or Patent No.:
Filed of Issued. <u>Herewith</u>
Title: Nitrosated and Nitrosylated Proton Pump Inhibitors, Compositions and Methods of Use
I hereby state that I am [ ] the owner of the small business concern identified below: [x] an official of the small business concern empowered to act on behalf of the concern identified below:
NAME OF SMALL BUSINESS CONCERN: NitroMed Inc.
ADDRESS OF SMALL BUSINESS CONCERN: 12 Oak Park Drive, Bedford, MA 01730
I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.
I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:
<ul> <li>[x] the specification filed herewith with title as listed above.</li> <li>[ ] the application identified above.</li> <li>[ ] the patent identified above.</li> </ul>
If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).
Each person, concern, or organization having any rights in the invention is listed below:  [x] no such person, concern, or organization exists.  [ ] each such person, concern, or organization is listed below.
Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))
NAME OF PERSON SIGNING L, Gordon Letts, Ph. D.
TITLE OF PERSON IF OTHER THAN OWNERSenior Vice President, Research, Chief Scientific Officer
ADDRESS OF PERSON SIGNING NitroMed, Inc., 12 Oak Park Drive, Bedford, MA 01730
SIGNATURE Sidn Kett DATE FEB. 24, 2000

## COMBINED DECLARATION for PATENT APPLICATION And POWER OF ATTORNEY

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## Nitrosated and Nitrosylated Proton Pump Inhibitors, Compositions and Methods of Use

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefit under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Priority Foreign Application(s)			Priorit	Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	/ / Yes	/ / No	
(Ivumber)	(Country)	(Day/Monds Teal Thea)	103	110	
I hereby claim the benef listed below.	it under Title 35, United St	ates code, §119(e) of any United	States provisi	onal application(s	
60/122,111	February 26, 1	999			
(Application Serial No.)					
international application subject matter of each of manner provided by the material information as	(s) designating the United S f the claims of this applicate first paragraph of Title 35, defined in Title 37, Code of	ates Code, § 120 of any United States of America that is/are listed ion is not disclosed in that/those punited States Code, § 112, I ackref Federal Regulations, § 1.56 which CT international filing date of the	d below and, in the prior application in the control of the contro	insofar as the ons(s) in the duty to disclose etween the filing	
(Application Serial No.)	(Filing Date)	(Status)			

The undersigned hereby appoints(s) the following U.S. attorneys and/or agents to prosecute this application and any division, continuation, continuation-in-part, reexamination or reissue applications thereof, and to transact all business in the Patent and Trademark Office connected therewith:

Radha Iyengar, Ph.D., Reg. No. 44,796, of NitroMed, Inc., 12 Oak Park Drive, Bedford, MA 01730, US; and

Hollie L. Baker, Reg. No. 31,321; James B. Lampert, Reg. No. 24,564; Henry N. Wixon, Reg. No. 32,073; Michael J. Bevilacqua, Reg. No. 31,091; Wayne M. Kennard, Reg. No. 30,271; Donald R. Steinberg, Reg. No. 37,241; Wayne A. Keown, Reg. No. 33,923; Ann-Louise Kerner, Reg. No. 33,523; Richard A. Goldenberg, Reg. No. 38,895; Colleen Superko, Reg. No. 39,850; Scott M. Alter, Reg. No. 32,879; Michael A. Diener, Reg. No. 37,122; Gretchen A. Rice, Reg. No. 37,429; Edward D. Grieff, Reg. No. 38,898; Keum J. Park, Reg. No. 42,059; Peter M. Dichiara, Reg. No. 38,005; Jason A. Reyes, Reg. No. 41,513; Barbara A. Barakat, Reg. No. 32,190; Janice M. Klunder, Reg. No. 41,121; and Nancy Chiu, Reg. No. 43,545; of Hale and Dorr LLP, 60 State Street, Boston, MA 02109, US or Hale and Dorr LLP, 1455 Pennsylvania Avenue, NW, Washington, DC 20004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:	David S. Garvey
David S. Kanger — First Inventor's signature	2/24/00 Date
10 Grand Hill Drive, Dover, MA 02030, UNITED Residence Address	O STATES
UNITED STATES Citizenship	
Full name of second inventor:	L. Gordon Letts
Second Inventor's signature	18 24, 2000 Date
12 Abbott Road, Dover, MA 02030 Residence Address	
AUSTRALIA Citizenshin	

Full name of third inventor:	Sang William Tam
Third Inventor's signature	2/24/2000 Date
148 Pine Street, Dover, MA 02030 Residence Address	
UNITED STATES Citizenship	
Full name of fourth inventor:  Tours of the Company of Fourth Inventor's signature	Tiansheng Wang
	Date
2 Dumbar Way, Concord, MA 01742 Residence Address	
PEOPLE'S REPUBLIC OF CHINA Citizenship	